

on a farm near Lawrence. Attorney who will assist in the prosecution.

On Wednesday of next week it against William Blume, who is charged the murder of Grace Harvey, will be for trial at Lebanon, where it was set this county on a change of venue. E. John F. McCray will take part in the defense and will be associated with R. Mott, of this city, and Samuel R. R.

Blume. Frank Groninger will assist in the prosecution. Grace Harvey was the girl who died in this city last December. Her death took place on West Washington street in a house where the girl was living. Blume had gone there to see her. He was shooting her, he tried to kill himself, but he came near succeeding. His life was saved by the City Hospital physicians. His insanity will try to show that he was insane.

time he killed the girl. Their theory was he was suffering from a physical ailment which had impaired his mind.

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**BOOKS MUST BE OPENED**

**Supreme Court Taxation Decision  
That May Fit a New Law.**

The Supreme Court yesterday held that an assessor has the right to examine

books of any building or loan association to ascertain who has paid-up or otherwise satisfied their obligations, which has not been listed for taxation. The result came from Monroe county a writ of habeas corpus brought by John D. Morgan, county clerk, against the Workmen's Building and Loan Fund Association. The officers of the association refused to permit the clerk to examine the books.

to examine their books. A writ of *habeas corpus* was applied for and was allowed. The Circuit Court sustained a demurrer to the writ. This judgment was reversed. The Supreme Court held that it is a law of the State that any kind of stock building and loan associations are taxable on their true cash value, and that any law exempting such associations from taxation is in violation of Section 10 of the Constitution and

fore null and void. The court further held that it is a settled law that county township assessors, county auditors and auditor of state, boards of review and State Board of Tax Commissioners have the right to inspect and examine the records of all public officers, and the books and records of any corporation and taxpayer in the State for the purpose of visiting premises for taxation. This decision, it is stated, will apply to the recent case of the

The Appellate Court held that a telegraph company is responsible for messages transmitted by telephone to it, in the suit of the Union Telegraph Company against Todd. Todd's name was written on the telegram so sent to him. The telegram had been telephoned to the telegraph

**Divorce Complaints.**  
In the Superior Court Nettle Nichols suing Orlando Nichols for divorce. married to the defendant in July, 1914. says Nichols took her from a good home and then failed to support her. She says that he threatened to cut her throat.

Thomas Danford seeks a divorce from his wife, Estelle Danford, who, he says, has deserted him. He says she left while he was at work and has been living her personal effects with her.

Martha E. Holmes complains of her husband, John Holmes, who has failed to provide for her and the children. The plaintiff says she was compelled to leave her home and live among strangers and work for her living.

**Over the "Battle of Manila"**

A suit growing out of the "Battle of Manila" is being heard in the U. S. District Court here.

A suit growing out of the "Battle of Nila" spectacular production, given at the state fair last year, was brought yesterday in the Superior Court. The action is by Paine's Fire Works Company against the State Board of Agriculture. The latter aff avers that it had a contract with the state board to give three productions at the fair week and did so. It is claimed that the plaintiff was to receive \$3,500 for the performances, but the state board refused to pay.

**Mrs. Burquette Loses Her Suit**  
In the suit of Louisa H. Burquette against the Citizens' Street-railroad Company to recover damages for personal injuries sustained by her husband, the court has rendered judgment in favor of the company.

last night found a verdict for the defendant. Mrs. Burquette was injured at Was and State streets in November, 1905, when she was in the act of stepping into a car, when it started forward and threw her on the pavement.

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**John O'Harrow's Claim.**  
John O'Harrow is suing the city, S. Johnson and William G. Weiss for

damages. He fell into a scuttle-hole, and  
sidewalk in front of property on  
Meridian street near Washington  
Johnson owns the property and rents  
Weiss.

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**THE COURT RECORD.**

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**Supreme Court.**

1787. Whiteman vs. Whiteman.  
C. C. Affirmed. Dissolution of marriage.

prior will was incorporated in one of the prior date and the writer thereof be wrote "Whereas, I, \_\_\_\_\_, on the \_\_\_\_\_ of October, 1890, made my last testament of that date" instead of day of February, 1890, the date of will, parol evidence may be given to show the mistake of the writer, and to show that the will of the prior date was incorporated in the later, and the prior destroyed. 2. Where a will of prior

incorporated in one of subsequent drafts with other provisions, the whole and not a codicil. 3. An executor or trustee is not a witness in support of a will and to matters occurring in the lifetime of the testator. 4. Instructions must be given as a whole and not separately. 5. A will is not bound to give to a jury instructions which state mere abstract rules without explanation or qualification. The giving of such instructions is not

18488. State, ex rel., Morgan vs. Association. Monroe. C. C. R. Monks, C. J.—1. Where the order of the court shows that the "defendants jointly and severally demur," etc., and it was sustained by the court and the parties as the several demurrer of all the defendants, it will be so held, although in the

the word defendant is used instead of defendant. 2. County assessors, townships, county auditors, auditor of boards of review or state board of commissioners, for the purpose of property for taxation, have the right to inspect and examine the records of offices, and the books and papers of corporations, and taxpayers of the State may enforce such right by writ of mandamus.

18913. City of Indianapolis vs. B. Church Extension. Marion, S. C.—  
tion ordered.

**Appellate Court.**

2737. City of Huntington vs. First  
rick C. C. Affirmed. Comstock, J.—  
a board walk in a city is allowed to  
defective for months, and knowledge  
defects have been made known to the  
Council, it is the duty of the city in

erise of ordinary diligence to re-  
walk, and whether the defects were  
to make the walk dangerous is a  
the jury to determine in trying an  
damages caused by the plaintiff  
account of the defects. 2. The  
that a person knows a sidewalk is  
ous does not make it negligence on  
of such person to use it cautiously.  
Whether or not a witness is impec-  
fact for the jury to determine, and

same witness has assumed in two occasions the court may instruct that it is within their province to determine on which occasion the witness was in the truth. 4. The court may modify instruction so as to state the law correctly.

251. *Western Union Telegraph Co. vs. Todd. Howard S. C. Affirmed.*—Where an agent of a telegraph company receives a message over a telephone transmitted over the wires of the telegraph company, it is the duty of the latter

the message to the proper person, a receiving the message over the telephone, the company cannot be heard to say that it was not bound to receive the message in that manner. And where the company is receiving a message orally by telephone, pursuing a custom of so accepting a message from the sender and others, it is bound to exercise the skill and diligence of such a method demands.

Affirmed. Wiley, J.—When the issue of the evidence to support the finding is brought in question on an appellate tribunal, the question is very much like and very new as that presented by a demurrer to the evidence in the trial court.

2671. Dailey vs. Denihart. Bent. Dismissed per curiam. The appeal dismissed upon the authority of Doug Brown, 51 N. E., 729.

**Superior Court.**  
Room 1—L. M. Harvey, Special.  
James Sheets vs. Ada Sheets;  
Dismissed. Judgment against plaintiff  
costs and \$25 attorney fee for defendant  
counsel.  
Rose Stephens vs. Jacob Stephens

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"Cause Daddy was, wasn't he?"  
And this isn't fine!  
And Hal sat down on mine!  
So do it bee-yah-tal-lee,  
mammas!

—Boston Transcript.

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